

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Inventor: Mark A. Weiss :  
Conf. No.: 3288 : Group Art Unit: 2625  
Appln. No.: 10/822,617 : Examiner: Thomas J. Lett  
Filing Date: April 12, 2004 : Attorney Docket No.: 10379-6U2  
:

Title: ARTICLE OF MANUFACTURE FOR USE IN A PROOFING PROCESS HAVING PREPRINTED COLOR BAR (as amended)

**DECLARATION OF JAMES BRIGANDI UNDER 37 C.F.R. § 1. 132**

1. I, James Brigandi, am employed at CRW Graphics (“CRW”), located at 9100 Pennsauken Highway, Pennsauken, New Jersey 08110, as Pressroom Manager. My work experience in the printing industry is attached as Appendix A to this Declaration. The home page of CRW is attached as Appendix B to this Declaration.
2. CRW is a majority owner in Colorquick, L.L.C., which is the assignee of the present application.
3. I have read and understand the above-identified patent application, the currently pending claims, the concurrently submitted “Amendment Under 37 C.F.R. § 1.111,” and the parent U.S. Patent No. 6,721,068.
4. I have also read and understand U.S. Patent No. 5,953,990 (Chalmers et al.), U.S. Patent No. 4,494,875 (Schramm et al.) and U.S. Patent Application Publication No. 2001/0042483 (Komori et al.), hereafter, respectively referred to as “Chalmers,” “Schramm,” and “Komori.” These references are also collectively referred to as “the applied references.”
5. I have also read and understand the Office Action dated September 20, 2010 (“Office Action”) wherein certain portions of Chalmers, Schramm and Komori were alleged to disclose certain features recited in the pending claims.

6. I work in the same field of endeavor as the technology described in the applied references and am familiar with the color management and color calibration methods described in the applied references. I am also familiar with the use of color bars in the printing process.

7. The printed workpiece or sheet 10 illustrated in Figs. 1 and 7 of Schram shows a color control strip 11 but shows no content. However, content must exist on the printed workpiece or sheet 10 for Schram to function as intended. Schramm's Background of the Invention reads, in part, as follows:

The present invention relates to a method and apparatus for controlling the operation of a printing machine, and more particularly to improvements in a method and apparatus for controlling or regulating the ink feed and other parameters affecting the density of colors which are applied to various zones of sheets during each run of the press. Still more particularly, the invention relates to improvements in a method and apparatus for monitoring and evaluating the quality of color reproduction in multi-color printing in order to ascertain the need for adjustment of the color-affecting controls on the press. (column 1, lines 15-25)

Running a press and evaluating the quality of color reproduction in multi-color printing inherently requires that content be placed on the workpiece or sheet 10.

8. Furthermore, column 5, lines 45-46 of Schramm discloses a printed workpiece or sheet 10 constituting a carrier for a color control strip 11. Column 20, lines 23-25 of Schram describes "scanning of a color control strip on a sheet of printed workpiece material..." The printing on the workpiece or sheet 10 is clearly meant to refer to the unshown content.

9. I disagree with the Examiner's statement made in the Office Action that "Schramm teaches a sheet of paper 10...also having a blank region which is a major sized region of paper 10..." (paragraph spanning pages 5-6 of the Office Action). As I stated above, content must exist on the workpiece or sheet 10 for Schramm to function as intended, and the reference to a printed

workpiece or sheet 10 is a clear disclosure that printed content exists in the region that the Examiner has alleged is blank.

10. Color bars are typically printed near an edge of a printed sheet, and preferably near the gripper<sup>1</sup> (and less often in the tail<sup>2</sup>) so as to maximize the amount of room that is available for the printing content, as shown in Figs. 2, 3 and 8 of Komori which illustrate conventional proof layouts of color bars and their simultaneously printed content.

11. It is well-known in the printing arts that when a color bar is used for color management of a printing press, which is the explicitly stated purpose of Komori, the ideal position on the paper to print the color bar is in a center area of the paper, exactly as shown in Figs. 12 and 13 of Komori. By printing the color bar in the center areas, imperfections in the press setup, such as misregistration of printing plates and/or the printing press, are more easily detected. However, this is usually not done because it typically would interfere with the simultaneous printing of the intended content.

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12. There is no reason to move the color chart (bar) in Figs. 12 and 13 of Komori to an edge of the printing product since no patterns (proofing content) are to be printed on the printing product shown in Figs. 12 and 13, and as stated above, the ideal position on the paper to print the color bar is in a center area of the paper, exactly as shown in Figs. 12 and 13 of Komori. Accordingly, it would be contrary to conventional practice in the printing arts to move the color bar in Figs. 12 and 13 of Komori to an edge of the printing product since it would result in a less ideal use of the color bar for color management of the printing press. In the embodiments shown in Figs. 2, 3 and 8 of Komori, the tradeoff of the less-than-ideal location of the color bar is made so as to maximize the area for printing of the content.

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<sup>1</sup> “gripper” is the area at the edge of a sheet of paper that the printer or copier will use to pull the paper through the machine. This area will not be imaged.

<sup>2</sup> “tail” is the area at the opposite edge of the sheet of paper with respect to the gripper.

13. The presently claimed invention provides color bar(s) in a less-than-ideal location similar to Figs. 2, 3 and 8 of Komori. However, this is an acceptable tradeoff in providing a sheet of paper that can be subsequently used for printing proof content along with a second color bar, as described in the specification, and claimed in the method claims of corresponding U.S. Patent No. 6,721,068 (Weiss).

14. I disagree with the Examiner's statement made in the Office Action that "it would have been obvious to a person of ordinary skill in the art to add the marginal region color bar location of Schramm et al. to the pre-printed sheet of Komori et al. in order to obtain an arrangement of a color bar in a margin area of a sheet." (last paragraph on page 22 of the Office Action) As stated above, the ideal position on the paper to print the color bar is in a center area of the paper, exactly as shown in Figs. 12 and 13 of Komori. By printing the color bar in the center areas, imperfections in the press setup, such as misregistration of printing plates and/or the printing press, are more easily detected. Thus, there is no reason to move the color chart (bar) in Figs. 12 and 13 of Komori to an edge of the printing product since no patterns (proofing content) are to be printed on the printing product shown in Figs. 12 and 13.

15. Chalmers discloses color blocks 1 that extend along a center region of the sheet and Schramm discloses a color control strip 11 located near an edge of a printed workpiece or sheet 10.

16. It is well-known in the printing arts that when a color bar is used for calibrating/adjusting color printing in a printing engine, which is the explicitly stated purpose of Chalmers, the ideal position on the paper to print the color bar is in a center area of the paper, exactly as shown in Fig. 1 of Chalmers. By printing the color bar in the center areas, imperfections in the press setup, such as misregistration of printing plates and/or the printing press, are more easily detected.

17. I disagree with the Examiner's statement made in the Office Action that "it would have been obvious to a person of ordinary skill in the art to add the marginal region color bar location of

Schramm et al. to the pre-printed sheet of Chalmers et al. in order to obtain an arrangement of a color bar in a margin area of a sheet" with the motivation for doing so being "to allow for a larger printable image footprint." (first paragraph on page 5 of the Office Action). As stated above in paragraph 16, the ideal position on the paper to print the color bar is in the center area of the paper when no content is to be concurrently printed on the paper. Thus, there is no reason to move the color bar location of Chalmers from a center area to a marginal or edge region.

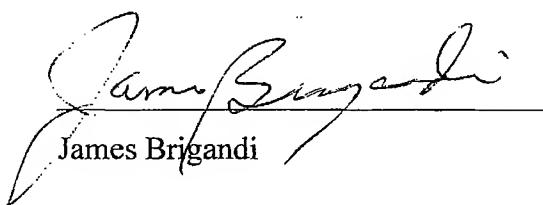
### DECLARATION

As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1-13-11

Date



James Brigandi

# **APPENDIX A**

(attached to Brigandi Declaration for  
Application No. 10/822,617)

**JAMES BRIGANDI**

270 Wedgewood Dr. • Cinnaminson • NJ • 08077 • jbrigandi@crwgraphics.com

***PROFESSIONAL EXPERIENCE:***

**CRW Graphics, Inc., Pennsauken, NJ**

August 1994 -Present

*Pressroom Manager*

Responsibility for all aspects of pressroom operations encompassing quality, productivity, technology, ordering, and maintenance of supplies. Involvement in press finger-printing and profiling tests, including the printing of the current SWOP standards for #3 coated papers. Supervision of 20 employees over 3 shifts; four presses (2 to 6-color); including personnel duties such as interviewing, hiring and annual performance review evaluations.

**Philadelphia Press, Inc., Burlington, NJ**

August 1992 -August 1994

*Director of Pressroom Operations*

Responsible for three shifts. Provided supervision and guidance for 2nd shift Pressroom Manager and 3rd shift working Foreman.

May 1986 -August 1992

*Pressroom Manager* -Rotating Shift Supervise overall operations of four offset presses. Knowledge and ability to operate/maintain all equipment. Responsible for over-seeing Prep and Bindery.

**SmithKline Beecham, Philadelphia, PA**

October 1982 -May 1986

*Pressman* -Operated 5-color Royal Zenith and 4-color Miehle.

**Philadelphia Lithographic Institute (PLI)**

September 1983 -May 1986

*Instructor of Apprentice Pressroom Program*

Provided classroom instruction as well as hands-on training of press operations.

**Revere Press, Philadelphia, PA** (Acquired by Consolidated Printing in 1989)

1972 -October 1982

*Pressman* -Operated 2, 4 and 5-color Miller presses. (1976-October 1982)

*Feeder operator* (May 1972-1976)

***EDUCATIONAL EXPERIENCE:***

Philadelphia Lithographic Institute (PLI)

Apprentice Pressman Program, 1978

Apprentice Feeder Program, 1975

St. Joseph University, Philadelphia, PA

Drexel University, Philadelphia, PA

# **APPENDIX B**

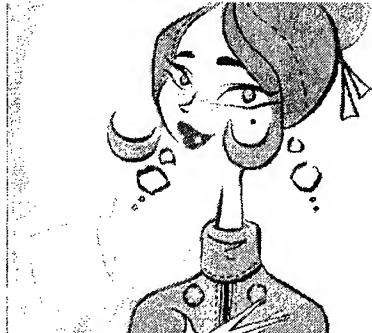
(attached to Brigandi Declaration for  
Application No. 10/822,617)



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